



194378US-2 CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
~~Tetsuo~~ TANIGUCHI : EXAMINER: NGUYEN, H.  
~~SERIAL~~ NO: 09/618,550 :  
~~FILED~~: JULY 17, 2000 : GROUP ART UNIT: 2851  
~~FOR~~: EXPOSURE METHOD AND LITHOGRAPHY  
SYSTEM, EXPOSURE APPARATUS AND  
METHOD OF MAKING THE APPARATUS,  
AND METHOD OF MANUFACTURING DEVICE

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WASHINGTON, D.C. 20231

SIR:

In response to the Official Action mailed February 8, 2002, Applicant provisionally elects, with traverse, Group I, Claims 1-25 and 43-48 for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

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<sup>1</sup>To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicant respectfully traverses the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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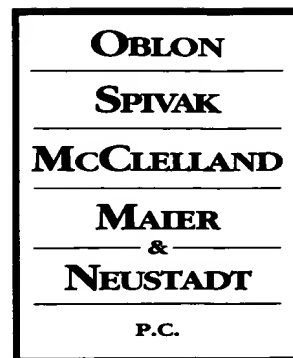


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OUR REF: 194378US-2 CONT  
GROUP ART UNIT: 2851

Re: Inventor: Tetsuo TANIGUCHI  
Serial No: 09/618,550  
Filed: JULY 17, 2000  
For: EXPOSURE METHOD AND LITHOGRAPHY SYSTEM,  
EXPOSURE APPARATUS AND METHOD OF MAKING  
THE APPARATUS, AND METHOD OF MANUFACTURING  
DEVICE

SIR:

Attached hereto for filing are the following papers:

### PROVISIONAL ELECTION

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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